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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

American Encore, an Arizona non-profit
corporation; Karen Glennon, an Arizona
individual; America First Policy Institute, a
non-profit corporation,

Plaintiffs,

v.

Adrian Fontes, in his official capacity as
Arizona Secretary of State; Kris Mayes, in
her official capacity as Arizona Attorney
General; Katie Hobbs, in her official
capacity as Governor of Arizona,

Defendants.

No. CV-24-01673-PHX-MTL

**NOTICE OF SECRETARY OF
STATE'S DECLARATION AND
APPELLATE STATUS OF STATE
CASE RELATED TO COUNT
TWO**

(Hon. Michael T. Liburdi)

On September 11, Defendants provided this Court an update about the State Case that relates to Count Two. *See* Doc. 52. The update summarized proceedings in the Arizona Court of Appeals. Specifically:

- Defendants filed an opening brief.
- Defendants filed a motion to stay the superior court’s preliminary injunction pending appeal (or alternatively to expedite briefing).
- The Arizona Court of Appeals ordered the plaintiffs to file any response to the motion by September 18, and ordered Defendants to file any reply by September 23.

Id.

Since then, Plaintiffs provided a further update, explaining that they responded to Defendants’ motion for a stay in the Arizona Court of Appeals on September 18. *See* Doc. 58. Plaintiffs also attached the briefs to date in the Arizona Court of Appeals. *Id.*

Defendants now provide another update. Yesterday, Defendants filed a reply supporting their motion for a stay in the Arizona Court of Appeals. The reply is attached hereto as **Exhibit A**. The reply includes a declaration from Secretary of State Adrian Fontes, in which he confirmed his view that “Section III(D) is not a binding prohibition on the speech of the general public.” Ex. A, Exhibit 1 thereto, at ¶ 4. The reply also reiterates Defendants’ request that the Arizona Court of Appeals “consider and rule on the stay request before October 9.” Ex. A, pg. 35.

RESPECTFULLY SUBMITTED this 24th day of September, 2024.

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By /s/ Joshua M. Whitaker
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